

## **REMARKS**

Claims 23-34 are presented for reconsideration.

In the Office Action, the drawings were objected to; claims 12 and 22 were rejected under 35 USC 112, second paragraph; claims 12 and 13 were rejected on Salmi et al in view of Pleuger et al and Nemec; claim 14 was rejected on Salmi et al, as applied against claim 13, in view of O'Brien; claims 15 and 16 were rejected on Salmi et al, as applied in claim 14, in further view of Nagafusa; claims 17 and 18 were rejected under 35 USC 103 as being unpatentable over Salmi et al, as applied to claim 16, in further view of Hussman; claim 19 was rejected under 35 USC 103 on Salmi et al, as applied against claim 18, in further view of Honour; claim 20 was rejected under 35 USC 103 as being unpatentable over Salmi et al, as applied against claim 19, in further view of O'Brien; claim 21 was rejected under 35 USC 103 on Salmi et al, as applied against claim 20, in further view of Mantere; claim 22 was rejected under 35 USC 103 as being unpatentable over Salmi et al, as applied against claim 21, in further view of Choplin.

Attached to this amendment is a Submission of Proposed Drawing Changes, which adds element numbers, as indicated in red, to point out various features of the invention, such as side tanks and bottom tanks. It is respectfully submitted that these changes do not involve any new matter. When approved by the Examiner, Formal Drawings incorporating these changes will be provided.

By this amendment, the title has been amended; the heading "Summary of the Invention" has been added; several paragraphs of the Description of the Preferred Embodiments referring to the element numbers added by the proposed drawing changes have been added, and rejected claims 12-22 have been cancelled and new claims 23-34, which have been carefully drafted to overcome the rejection under 35 USC 112 and to highlight the invention over the prior art rejections have been added.

With regard to the Examiner's rejections, it is noted that claims 12 and 13 were rejected on a combination of three references and that the remaining claims, such as 14, were rejected on Salmi et al, as applied against claim 13, in further view of O'Brien. Did the Examiner mean that Salmi et al, as combined with Pleuger et al and Nemec? If so, it is noted

that the rejections, such as the rejection of claim 22, would end up being rejected on approximately 9 references. It is submitted that the rejections of claims 14-22 do not make any sense, since it is unclear what references the Examiner is combining.

Claim 23 is directed to applicants' claimed invention, which, as illustrated in the drawings, has a planar or flat cargo deck, such as 11, which extends from the stern to almost the bow, so as to be able to carry large bulky devices, which are floated onto the vessel when the vessel has had its tanks, such as its side tanks 30 and bottom tanks 35, filled to lower the flat cargo deck 11 under water, so that the bulky cargo device can be floated on. Examples of this are shown in the attached five copies of photographs, which show the vessel without cargo, with the cargo deck being partially submerged, a floating large bulky device, and two photos with the large bulky device on the cargo deck 11 after the device was floated onto the deck and the deck raised above water level.

It is respectfully submitted that claim 23 is clearly patentable over the combination of Salmi et al, Pleuger et al and Nemec for the following reasons. Salmi et al, while disclosing a ship with the electric azimuth propeller arrangement, is disclosing this for a ship, such as an icebreaker, as illustrated in Fig. 5, in which the wheelhouse and superstructure are at midships. It is submitted that there is no teaching or suggestion of the vessel in Salmi et al being semi-submersible. While Nemec shows a device or vessel which can be submerged so as to allow barges to be floated into the vessel, it is noted that this has a well and that the size of the article being added is limited to a width C of the gate B, as shown in Fig. 2. As shown in applicants' attached pictures, the present invention can carry a device which extends over the sides and, thus, is wider than the width of the vessel. This is not possible with Nemec. The third reference used in rejecting the primary claim is Pleuger et al, which, while showing an electric motor for driving the propeller, does not teach or suggest the deficiencies of Nemec and Salmi et al. Thus, it is submitted that the combination of the three references does not teach a vessel which can have a device floated over the side and onto the cargo deck while the deck is in a submerged condition, with the device being wider than the width of the vessel. For these reasons, it is submitted that independent claim 23 is clearly patentable over the references of record and is allowable.

Claims 24-34 are patentable along with claim 23, since these claims are all dependent on claim 23 or a claim which, in turn, is dependent on claim 23, and the additional references cited by the Examiner do not teach or suggest the deficiency with the combination applied against the independent claim. For these reasons, it is respectfully submitted that claims 23-34 are allowable over the references of record.

It is noted that the present application is a National Stage of an original PCT Application. It is the undersigned attorney's belief that the PCT Office forwarded the International Search Report with this application; however, it is noted that the Examiner has not cited or applied any of those references. Attached herewith is a Form PTO-1449 and a copy of the International Search Report. In the International Search Report, German 298 23 737 was cited in Category X, but it is noted that it had a publication date after the original priority date of this application. In fact, this German Reference is a Gebrauchsmuster directed to the same invention. Also cited in the Search Report were four articles, which were cited in Category Y with regard to certain claims. These include an article by Timm et al, which is identified as Reference AN; an article entitled "Azimuthing Electric Propulsion Drive", which is identified as Reference AM; a reference entitled "Multi-Purpose Icebreaker 'Botnica' Boosted by Cat-Azipod Propulsion", which is identified as Reference AL, and an article by Gloel et al, which is identified as Reference AT. Copies of these four articles along with the German Reference 298 23 737 are attached herewith. The Search Report also cited an article by Hackman, which is identified as Reference AR; an article by Gallois et al, which is identified as Reference AQ along with U.S. Patent No. 4,678,439; European EP 0 123 704 and Australian 482,040. Copies of these references cited in the Search Report are attached herewith.

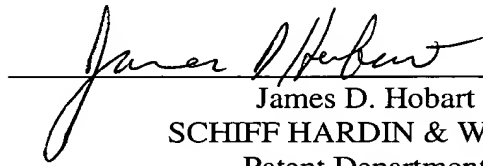
Also attached herewith are U.S. Patent Nos. 3,913,512; 3,978,806 and 5,222,454, which were cited in a German Office Action for the corresponding German Reference 298 23 737 mentioned above. In addition to those three U.S. Patents, German 21 20 019 was cited, along with another article by Timm et al, which is identified as Reference AO; an article by Knecht, which is identified as Reference AU; a page from HANSA-Schiffahrt-Schiffbau-Hafen, which is identified as Reference AJ; an article from The Motor Ship, which is identified as Reference AP; an article by Woodyard from Marine Propulsion, which is identified as Reference AK; an article from Shipping World & Shipbuilder, which is

identified as Reference AS. Copies of these articles are also attached herewith. It is respectfully submitted that none of these references teach or suggest applicants' invention, as recited in claim 23. Therefore, claims 23-34 are patentable over the teachings of the attached references.

Since this Information Disclosure Statement is being presented after the first Office Action on the merits, a check required by 37 CFR 1.17(p) for \$180.00 is attached herewith.

In view of the amendments and explanations contained hereinabove, it is respectfully submitted that this application is now in condition for immediate formal allowance and further reconsideration to that end is earnestly solicited.

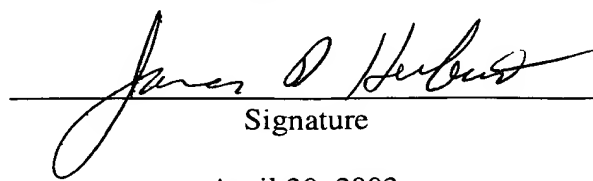
Respectfully submitted,

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**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 on April 30, 2003.

James D. Hobart  
Name of Applicants' Attorney  
  
Signature  
April 30, 2003  
Date